

**REMARKS**

Applicant requests reconsideration of the claims in accordance with Rule 113 (Final Action) and Rule 116 (Amendments after Final Action). Applicant requests reconsideration of the application in order to advance the examination of the application to issue.

**DETAILED ACTION**

1. The Examiner states that Claims 1-4, 6-8, 11, 12, 17, 18, 20-22 and 24 are presented for examination. Claims 1, 2, 3, 7, 8, 12, 20-22 and 24 have been amended, and Claims 5, 9, 10, 13-16, 19, 23 and 25-37 have been canceled.

**OATH /DECLARATION**

2. The Examiner withdrew the previous objections to the Oath/Declaration as a result of the new Declaration being filed correcting the previous Declaration.

**DRAWINGS**

3. The Examiner states that the drawings are objected to as failing to comply with 37 C.F.R. 1.84 (P)(5) because in FIG. 1, element 33a is not identified. Applicant is enclosing a copy of the previously corrected FIG. 1 with the proposed reference sign "33a" marked in red, and Applicant requests that the correction to FIG. 1 be approved by the Examiner.

**CLAIMS REJECTIONS – 35 U.S.C. § 112**

4. The Examiner states that Claims 5, 7, 8, 13-15 and 20-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

5-8. In particular, there is insufficient antecedent basis in Claims 3, 4, 8, 11, and 12 for the limitation. However, Applicant is canceling Claims 3, 4, 8, 11 and 12.

9. The Examiner states that the claims have been treated on their merits as best understood by the Examiner due to vagueness and lack of clear definition of the terminology,

and phrases used in the Specification and Claims. If the Examiner points out items of particular concern, Applicant can amend such items.

**CLAIMS REJECTIONS – 35 U.S.C. § 102**

10. The Examiner states that rejections under 35 U.S.C. 102 are withdrawn due to the previous Amendment.

**CLAIMS REJECTIONS – 35 U.S.C. § 103**

11. The Examiner states that Claims 1, 2, 6-8, 20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,918,293 to McGeorge in view of U.S. Patent No. 5,964,211 to Sargunam. The Examiner states that all the elements recited in Claim 1 are disclosed by McGeorge.

Applicant is amending Claim 1 to more particular point out and to distinctly claim the invention. In particular, Applicant is amending Claim 1 to call for “means for setting a maintenance time for each of a plurality of maintenance steps by arbitrarily setting a calendar date for executing each of said maintenance items.” Such a function is described in the Specification on page 13, lines 12 to 25. Applicant believes that McGeorge does not disclose or suggest the notification to the user of a due maintenance item when a predetermined calendar date occurs, and the Examiner states that McGeorge fails to teach such notification of execution times for maintenance items. Therefore, Applicant believes that Claim 1 as amended is not obvious from McGeorge and is now patentable. Applicant is amending Claim 7 to be more clear and definite. Claims 2-6 and 8-37 are now canceled.

The Examiner then states that Sargunam teaches a self-cleaning microprocessor controlled oven wherein the self-cleaning process uses two, timed, self-cleaning stages (Col. 3, lines 19-62 and FIG. 3 of ‘211). However, Applicant wishes to point out that Sargunam does not teach notification of a maintenance item when a particular calendar date occurs.

12. The Examiner states that Claims 4, 11, 12, 18, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,918,293 to McGeorge in view of U.S. Patent No. 5,964,211 to Sargunam, and further in view of U.S. Patent No. 5,186,097 to Vaseloff. Applicant has canceled Claims 4, 11, 12, 18 and 22.

13. The Examiner states that Claims 3, 17, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,918,293 to McGeorge in view of U.S. Patent No. 5,964,211 to Sargunam, and further in view of U.S. Patent No. 5,331,575 to Koether. Applicant has canceled Claims 3, 17, and 21.

#### **DOUBLE PATENTING**

14. The Examiner advised that should claims 11 or 7 be found allowable, claims 12 or 20, respectively, will be objected to under 37 C.F.R. 1.75 as being a substantial duplicate thereof. Applicant has canceled Claims 12 and 20.

15. The Examiner states that an amendment to Claim 8 was described in the previous amendment, but not found in the amended claims. However, Applicant has now canceled Claim 8.

#### **RESPONSE TO ARGUMENTS**

16. The Examiner states that Applicant's arguments filed January 27, 2004 have been considered but are moot in view of the new ground(s) of rejection.

In view of the above, it is submitted that Claims 1 and 7 as amended are now in condition for allowance. Reconsideration of the rejections to such Claims is respectfully

Docket No. 32780  
09/903,262

requested. Accordingly, it is requested that Claims 1 and 7 be allowed and the case be sent to issue.

If there are any questions, we urge the Examiner to call us. Please charge any costs in connection with this document to our Deposit Account No. 16-0875.

Respectfully Submitted,  
PEARSON & PEARSON, LLP

By

*Walter F Dawson*

WALTER F. DAWSON, Attorney,  
Reg. No. 30,046  
10 George Street  
Lowell, Massachusetts 01852  
(978) 452-1971

P:\DATA\SHIDA\32780\PTO\AMEND-2-116



Appl. No. 09/903,262  
Amdt. Dated July 13, 2004  
Reply to Office Action Of April 13, 2004  
Marked-Up Sheet Showing Changes

FIG.1

